

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Juan Acosta

v.

Civil No. 07-cv-181-PB

Warden, New Hampshire State Prison

O R D E R

Pursuant to 28 U.S.C. § 2254, Juan Acosta has filed a petition for a writ of habeas corpus and supporting documents challenging the constitutionality of his state court conviction and confinement (document no. 1). See Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts ("Habeas Rule") (requiring initial review to determine whether the petition is facially valid). For the reasons discussed in the report and recommendation issued simultaneously herewith, I order the petition served on the respondent as to Grounds Two and Three. I have recommended dismissal of the remaining grounds. See Habeas Rule 4.

Accordingly, the petition shall be served on the Warden of the New Hampshire State Prison, who shall file an answer or other pleading in response to the allegations made therein. See id. (requiring reviewing judge to order a response to the petition).


The Clerk's office is directed to serve the New Hampshire Office of the Attorney General, as provided in the Agreement On Acceptance Of Service, copies of this order, the accompanying report and recommendation and the habeas corpus petition and supporting documents (document no. 1).

Respondent shall answer or otherwise plead within thirty (30) days of the date of this order. The answer shall comply with the requirements of Habeas Rule 5 (setting forth contents of the answer).

Upon receipt of the response, the Court will determine whether a hearing is warranted. See Habeas Rule 8 (providing circumstances under which a hearing is appropriate).

Petitioner is referred to Fed. R. Civ. P. 5, which requires that every pleading, written motion, notice, and similar paper, after the petition, shall be served on all parties. Such service is to be made by mailing the material to the parties' attorneys.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: August 2, 2007

cc: Juan Acosta, pro se